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10 **UNITED STATES BANKRUPTCY COURT**

11 **DISTRICT OF NEVADA**

12 In re:

13 SONIA LOPEZ

CASE NO.: 21-12418-MKN  
TRUSTEE:

CHAPTER: 11

HEARING DATE: JANUARY 25, 2023  
HEARING TIME: 9:30 AM

14 Debtor(s)

15 **OPPOSITION TO MOTION TO DISMISS OR CONVERT CHAPTER 11 CASE**

16 SONIA LOPEZ (hereinafter referred to as “Debtor(s)”), by and through their  
17 attorney, Seth D. Ballstaedt, Esq., and hereby oppose the Motion to Convert or Dismiss  
18 filed by the Office of the United States Trustee (“Trustee”) on the grounds set forth below:

- 19 1. Debtor(s) commenced this case on May 10, 2021 by filing a voluntary  
20 petition for relief under Chapter 11 of Title 11 of the United States  
21 Bankruptcy Code.  
22  
23 2. On July 18, 2022, the Debtor’s motion to convert the case to a case under  
24 chapter 11 was granted (Dkt #77).  
25  
26 3. Debtor suffered from health issues and was not able to work much at her  
27 self-employment job for several months in the beginning of 2022. When  
28 the bankruptcy case was converted, she was just getting on her feet again

1 with her work. Debtor also has not been able to complete her 2021 taxes  
2 yet because she still has not received all her tax documents. Debtor is  
3 still working on providing the remaining documents as requested by the  
4 office of the US Trustee.

5  
6 4. Further, Debtor has had a difficult struggle regarding opening the  
7 required Debtor-In-Possession (“DIP”) bank accounts. The requirement  
8 to open DIP accounts created a hardship on Debtor as most banks will not  
9 open DIP accounts, and the list provided by the US Trustee did not  
10 accurately represent financial institutions willing to open DIP accounts  
11 for the Debtor. Debtor finally was able to have Bank of America assure  
12 her that her current account would be converted to a DIP account. The  
13 agent informed her that they could simply reclassify it as a DIP account.  
14 However, she has been informed by the office of the US Trustee that the  
15 account is not an actual DIP account, and therefore, Debtor requests more  
16 time to correctly open DIP accounts in a satisfactory manner as required  
17 by the US Trustee.

18  
19 5. Debtor also experienced hardship when seeking to complete her Chapter  
20 11 Monthly Operating Reports (“MORs”). The MORs form on the US  
21 Trustee’s website cannot be opened from either Debtor’s phone or  
22 computer, and she had a very hard time completing the report. This is not  
23 an excuse, but certainly caused great difficulty in completing the required  
24 forms and caused multiple road-blocks and complications with  
25 completing the reports. Debtor has now caught up on her MOR’s and  
26 intends to stay current on future reporting.  
27  
28

6. Debtor has now proposed a chapter 11 plan (Dkt #108) to re-amortize the mortgage loan on her rental property, pay her priority and administrative claims, pay her secured tax claim, and to pay the general unsecured creditors in two classes. Debtor believes that this plan will adequately protect her secured creditors, as well as satisfy the unsecured creditors.

a. Class 3 is made up of the Student Loan Creditors, who are identified in the plan and will be paid the regular monthly payments as they come due, therefore, the claim of the student loan creditors is not impaired.

b. Class 4 is made up of the remaining general unsecured non-priority creditors who will be paid through the plan 100% of their claims.

7. Debtor requests that the Motion to Dismiss or convert be denied, or in the alternative, be continued until such time as the Chapter 11 plan is confirmed.

WHEREFORE, Debtor(s) pray that this honorable court:

1. DENY the Trustee's motion to Dismiss or convert this instant case.
2. In the alternative, allow a continuance to allow debtor to confirm her chapter 11 plan
3. Any further just and equitable relief, this court deems appropriate.

Dated this 11 day of January, 2023

/s/ Seth D Ballstaedt, Esq.  
Seth D Ballstaedt, Esq.  
FAIR FEE LEGAL SERVICES  
*Attorney for Debtor(s)*